

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA
LLC, *et al.*,¹

Debtors.

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

TODD S. NELSON, *et al.*,

Defendants.

Chapter 7

Case No. 18-11535 (CTG)

Jointly Administered

Adv. Pro. No. 20-50627 (CTG)

**NOTICE OF AMENDED² AGENDA FOR HEARING ON MATTERS SCHEDULED
FOR AUGUST 1, 2022 AT 10:00 A.M. (PREVAILING EASTERN TIME)
BEFORE THE HONORABLE CRAIG T. GOLDBLATT**

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): American Education Centers, Inc. (6160); Argosy Education Group, Inc. (5674); Argosy University of California LLC (1273); Brown Mackie College - Tucson, Inc. (4601); Education Finance III LLC (2533); Education Management LLC (6022); Education Management II LLC (2661); Education Management Corporation (9571); Education Management Holdings II LLC (2529); Higher Education Services II LLC (3436); Miami International University of Art & Design, Inc. (1065); South Education – Texas LLC (2573); South University of Florida, Inc. (9226); South University of Michigan, LLC (6655); South University of North Carolina LLC (9113); South University of Ohio LLC (9944); South University of Virginia, Inc. (9263); South University, LLC (7090); Stautzenberger College Education Corporation (4675); TAIC-San Diego, Inc. (1894); TAIC-San Francisco, Inc. (9487); The Art Institutes International Minnesota, Inc. (6999); The Art Institute of Atlanta, LLC (1597); The Art Institute of Austin, Inc. (3626); The Art Institute of California-Hollywood, Inc. (3289); The Art Institute of California-Inland Empire, Inc. (6775); The Art Institute of California - Los Angeles, Inc. (4215); The Art Institute of California-Orange County, Inc. (6608); The Art Institute of California-Sacramento, Inc. (6212); The Art Institute of Charleston, Inc. (6048); The Art Institute of Charlotte, LLC (4912); The Art Institute of Colorado, Inc. (3062); The Art Institute of Dallas, Inc. (9012); The Art Institute of Fort Lauderdale, Inc. (0255); The Art Institute of Houston, Inc. (9015); The Art Institute of Indianapolis, LLC (6913); The Art Institute of Las Vegas, Inc. (6362); The Art Institute of Michigan, Inc. (8614); The Art Institute of Philadelphia LLC (7396); The Art Institute of Pittsburgh LLC (7441); The Art Institute of Portland, Inc. (2215); The Art Institute of Raleigh-Durham, Inc. (8031); The Art Institute of St. Louis, Inc. (9555); The Art Institute of San Antonio, Inc. (4394); The Art Institute of Seattle, Inc. (9614); The Art Institute of Tampa, Inc. (6822); The Art Institute of Tennessee-Nashville, Inc. (5359); The Art Institute of Virginia Beach LLC (2784); The Art Institute of Washington, Inc. (7043); The Art Institutes International II LLC (9270); The Illinois Institute of Art at Schaumburg, Inc. (3502); The Illinois Institute of Art, Inc. (3500); The Institute of Post-Secondary Education, Inc. (0283); The New England Institute of Art, LLC (7798); The University of Sarasota, Inc. (5558); Western State University of Southern California (3875).

² Amended items are indicated in bold.

**PLEASE TAKE NOTICE:
THIS HEARING WILL BE HELD IN PERSON AND BY VIDEO VIA ZOOM. BOTH
VIDEO AND AUDIO WILL BE THROUGH ZOOM. ALL PARTICIPANTS
ATTENDING BY ZOOM MUST REGISTER PRIOR TO THE HEARING AT THE
PROVIDED LINK NO LATER THAN
JULY 29, 2021 AT 4:00 P.M. ET.**

Zoom link:

https://debuscourts.zoomgov.com/meeting/register/vJItdu6hpj8jE1jD9dXxscFF5vmLSg_RJ3M

ORAL ARGUMENT:

1. *[George L. Miller, Chapter 7 Trustee v. Todd S. Nelson - Adv. Pro. No. 20-50627]*
Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [Filed: 4/1/22] (Docket No. 93).

Response Deadline: May 16, 2022, at 4:00 p.m.

Responses Received:

- A. Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss the First Amended Complaint [Filed: 5/16/22] (Docket No. 110).

Reply Deadline: June 15, 2022, at 4:00 p.m.

Replies Received:

- A. Reply Brief in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [Filed: 6/15/22] (Docket No. 111).

Related Documents:

- A. Complaint [Filed: 6/17/20] (Docket No. 1).
- B. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Filed: 6/17/20] (Docket No. 2).
- C. First Amended Complaint [Filed: 2/15/21] (Docket No. 91).
- D. Opening Brief in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [Filed: 4/1/22] (Docket No. 94).
- E. Request of Defendants John Devitt Kramer and Mark Novad to Take Judicial

Notices in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [Filed: 4/1/22] (Docket No. 95).

- F. [Signed] Order [Filed: 4/12/22] (Docket No. 108).
- G. Request for Oral Argument on Motions to Dismiss [Filed: 6/22/22] (Docket No. 117).
- H. [Signed] Order Scheduling Oral Argument [Filed: 6/27/22] (Docket No. 118).
- I. Joint Notice of Completion of Briefing [Filed: 6/28/22] (Docket No. 119).

Status: Oral argument will go forward on this matter.

- 2. *[George L. Miller, Chapter 7 Trustee v. Todd S. Nelson - Adv. Pro. No. 20-50627]* Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [Filed: 4/1/22] (Docket No. 98).

Response Deadline: May 16, 2022, at 4:00 p.m.

Responses Received:

- A. Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss the First Amended Complaint [Filed: 5/16/22] (Docket No. 110).
- B. Reply Memorandum of Defendants West and Beekhuizen in Support of Their Motions to Dismiss the First Amended Complaint [Filed: 6/15/22] (Docket No. 114).
- C. Declaration in Support of Defendants West and Beekhuizen Reply Memorandum in Support of Their Motion to Dismiss the First Amended Complaint [Filed: 6/15/22] (Docket No. 115).

Reply Deadline: June 15, 2022, at 4:00 p.m.

Replies Received:

- A. Reply Brief in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [Filed: 6/15/20] (Docket No. 111).

Related Documents:

- A. Complaint [Filed: 6/17/20] (Docket No. 1).
- B. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Filed: 6/17/20] (Docket No. 2).

- C. First Amended Complaint [Filed: 2/15/21] (Docket No. 91).
- D. Memorandum in Support of Motion of Defendant West and Beekhuizen to Dismiss the First Amended Complaint [Filed: 4/1/22] (Docket No. 99).
- E. Declaration in Support of Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [Filed: 4/1/22] (Docket No. 100).
- F. Request of Defendants West and Beekhuizen for Judicial Notice in Support of Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [Filed: 4/1/22] (Docket No. 101).
- G. [Signed] Order [Filed: 4/12/22] (Docket No. 108).
- H. Request for Oral Argument on Motions to Dismiss [Filed: 6/22/22] (Docket No. 117).
- I. [Signed] Order Scheduling Oral Argument [Filed: 6/27/22] (Docket No. 118).
- J. Joint Notice of Completion of Briefing [Filed: 6/28/22] (Docket No. 119).

Status: Oral argument will go forward on this matter.

3. *[George L. Miller, Chapter 7 Trustee v. Todd S. Nelson - Adv. Pro. No. 20-50627]*
Defendants Mark McEachen, Frank Jalufka and John Danielson's (I) Motion to Dismiss First Amended Complaint, or in the Alternative, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [Filed: 4/1/22] (Docket No. 102).

Response Deadline: May 16, 2022, at 4:00 p.m.

Responses Received:

- A. Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants Motions to Dismiss the First Amended Complaint [Filed: 5/16/22] (Docket No. 110).

Reply Deadline: June 15, 2022, at 4:00 p.m.

Replies Received:

- A. Reply in Support of Defendants Mark McEachen, Frank Jalufka and John Danielson's (I) Motion to Dismiss First Amended Complaint, or in the Alternative, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [Filed: 6/15/22] (Docket No. 113).

Related Documents:

- A. Complaint [Filed: 6/17/20] (Docket No. 1).
- B. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Filed: 6/17/20] (Docket No. 2).
- C. First Amended Complaint [Filed: 2/15/21] (Docket No. 91).
- D. Memorandum in Support Defendants Mark McEachen, Frank Jalufka and John Danielson's (I) Motion to Dismiss First Amended Complaint, or in the Alternative, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [Filed: 4/1/22] (Docket No. 103).
- E. [Signed] Order [Filed: 4/12/22] (Docket No. 108).
- F. Request for Oral Argument on Motions to Dismiss [Filed: 6/22/22] (Docket No. 117).
- G. [Signed] Order Scheduling Oral Argument [Filed: 6/27/22] (Docket No. 118).
- H. Joint Notice of Completion of Briefing [Filed: 6/28/22] (Docket No. 119).

Status: Oral argument will go forward on this matter.

Dated: July 28, 2022

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Colin R. Robinson

Bradford J. Sandler (DE Bar No. 4142)

Colin R. Robinson (DE Bar No. 5524)

919 North Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899 (Courier 19801)

Telephone: 302-652-4100

Facsimile: 302-652-4400

E-mail: bsandler@pszjlaw.com

crobenson@pszjlaw.com

Counsel for George L. Miller, Chapter 7 Trustee

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CERTIFICATE OF SERVICE

I, Colin R. Robinson, hereby certify that on the 28th day of July, 2022, I caused a copy of the following document to be served on the individuals on the attached service list, in the manner indicated thereon:

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): American Education Centers, Inc. (6160); Argosy Education Group, Inc. (5674); Argosy University of California LLC (1273); Brown Mackie College - Tucson, Inc. (4601); Education Finance III LLC (2533); Education Management LLC (6022); Education Management II LLC (2661); Education Management Corporation (9571); Education Management Holdings II LLC (2529); Higher Education Services II LLC (3436); Miami International University of Art & Design, Inc. (1065); South Education – Texas LLC (2573); South University of Florida, Inc. (9226); South University of Michigan, LLC (6655); South University of North Carolina LLC (9113); South University of Ohio LLC (9944); South University of Virginia, Inc. (9263); South University, LLC (7090); Stautzenberger College Education Corporation (4675); TAIC-San Diego, Inc. (1894); TAIC-San Francisco, Inc. (9487); The Art Institutes International Minnesota, Inc. (6999); The Art Institute of Atlanta, LLC (1597); The Art Institute of Austin, Inc. (3626); The Art Institute of California-Hollywood, Inc. (3289); The Art Institute of California-Inland Empire, Inc. (6775); The Art Institute of California - Los Angeles, Inc. (4215); The Art Institute of California-Orange County, Inc. (6608); The Art Institute of California-Sacramento, Inc. (6212); The Art Institute of Charleston, Inc. (6048); The Art Institute of Charlotte, LLC (4912); The Art Institute of Colorado, Inc. (3062); The Art Institute of Dallas, Inc. (9012); The Art Institute of Fort Lauderdale, Inc. (0255); The Art Institute of Houston, Inc. (9015); The Art Institute of Indianapolis, LLC (6913); The Art Institute of Las Vegas, Inc. (6362); The Art Institute of Michigan, Inc. (8614); The Art Institute of Philadelphia LLC (7396); The Art Institute of Pittsburgh LLC (7441); The Art Institute of Portland, Inc. (2215); The Art Institute of Raleigh-Durham, Inc. (8031); The Art Institute of St. Louis, Inc. (9555); The Art Institute of San Antonio, Inc. (4394); The Art Institute of Seattle, Inc. (9614); The Art Institute of Tampa, Inc. (6822); The Art Institute of Tennessee-Nashville, Inc. (5359); The Art Institute of Virginia Beach LLC (2784); The Art Institute of Washington, Inc. (7043); The Art Institutes International II LLC (9270); The Illinois Institute of Art at Schaumburg, Inc. (3502); The Illinois Institute of Art, Inc. (3500); The Institute of Post-Secondary Education, Inc. (0283); The New England Institute of Art, LLC (7798); The University of Sarasota, Inc. (5558); Western State University of Southern California (3875).

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/s/ Colin R. Robinson

Colin R. Robinson (Bar No. 5524)